CITY OF
BLOOMINGTON
MINNESOTA

December 20, 2021

Steve Sommer
Resource Management and Assistance Division
Minnesota Pollution Control Agency (MPCA)
520 Lafayette Road N.
St. Paul, MN 55155

RE: Burnsville Sanitary Landfill (BSL) Expansion – Comments on the Final Supplemental Environmental Impact Statement (SEIS)

Dear Mr. Sommer,

The following comments have been quickly prepared given the short timeline between release of the Final SEIS and the MPCA's comment deadline (December 24th). Bloomington strongly believes the environmental review process would benefit from additional time for the public to review and comment on the 1,572 page document. Both the short length of the comment period and scheduling the comment period during the busy holiday season reduces opportunities for a robust public review.

Background
Waste Management is proposing to expand the BSL by 23.6 million cubic yards, a volume that the SEIS estimates will accommodate 21.9 million tons of waste. Based on the MPCA's reported 2021 generation rates, it would take twenty years for the entire seven county metro area to generate that staggering amount of waste.

The expansion is proposed to increase the height of the landfill to an elevation of 1,082 feet above mean sea level, which is 389 feet above the nearby Minnesota River. The top of the mound will be higher than Mount Gilboa, Bloomington's highest elevation in Hyland Ski Area. The top of the landfill mound will be more than 340 feet higher than the nearest residence in Burnsville, which is approximately 1,000 linear feet from the base of the mound and 250 feet higher than the nearest residence in Bloomington, which is approximately 3,400 linear feet from the base of the mound. If approved, the BSL will become the dominant and defining visual feature of this portion of the Minnesota River Valley.

If approved, 23.6 million cubic yards of additional waste will be placed in a sensitive ecological area adjacent to a major river, in a floodplain, adjacent to a National Wildlife Refuge, near the water supplies of large cities and within the City of Burnsville Drinking Water Protection Overlay District, in an area that requires wetland fill, in a high profile location near hundreds of homes, and in an area flagged by the state as having environmental justice concerns.

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SEIS Comments

Bloomington understands that an environmental review document, such as the BSL Final SEIS, does not approve or deny a project. Approval or denial in this case will occur during the coming permitting phase, with the City of Burnsville and the MPCA as the key decision makers. State Statutes require an environmental impact statement to discuss "appropriate alternatives to the proposed action and their impacts" and to explore "methods by which adverse environmental impacts of an action could be mitigated" (MN Statutes 116D.04, Subd. 2a). This comment letter will focus on the "appropriate alternatives" and "mitigation methods" that are proposed or should be proposed by the Final SEIS.

1. **Waste Composition**. The Final SEIS notes that, as of December 2019, 69 percent of the waste being landfilled at BSL is recoverable (such as organics and recyclables). The impacts of the proposed expansion can be partially limited by reducing the volume of waste permitted. Bloomington acknowledges the MPCA response to Bloomington's July 2021 comments on the Draft SEIS that "the MPCA will include all applicable recycling requirements in BSL's next solid waste disposal permit".

   Given the inherent environmental risks of adding waste in a floodplain along the Minnesota River, given environmental justice concerns of placing waste in an area of concern for environmental justice and given the significant visual impacts, simply meeting the same standard for recycling that applies to other Minnesota landfills is not sufficient. The Final SEIS should be revised to recommend, as mitigation, that a higher level of organics and recyclables be removed at BSL than is required at other landfills that do not have similar environmental risks, similar environmental justice concerns and similar visual impacts. Adequately addressing these issues requires an aggressive limitation on landfilling organics and recyclables at BSL coupled with a corresponding reduction in the size of the landfill potentially permitted. Recommended mitigation should include the installation of equipment on-site to remove recyclables and organics from waste and to shred the remaining waste for more compact disposal prior to placement of the waste in the landfill.

2. **Groundwater Impacts**. Of great concern, the Final SEIS points out that parts of the BSL are unlined and that, during flooding events along the Minnesota River, the water table rises to interact with the unlined portions of the landfill. The Final SEIS also predicts that the future discontinuance of dewatering at the adjacent Kraemer Quarry will result in regular interaction between waste in the unlined portions of the landfill and the water table. The Final SEIS states the groundwater interacting with the waste "is predicted to discharge to the anticipated future quarry lake". Once groundwater under the landfill is contaminated, it is likely to spread to surrounding areas and to the Minnesota River. That is exactly the reason the MPCA is proposing a massive and expensive cleanup, funded by Minnesota taxpayers, of the other two landfills in Burnsville along the Minnesota River that are now Superfund sites, the Freeway Landfill and Freeway Dump.

   Clearly, the same risks for groundwater interaction with waste exist at the unlined portions of the BSL as at the unlined Freeway Landfill and the unlined Freeway Dump. The Final SEIS states: "having new waste on top of the unlined area may impede corrective action". Minnesota needs to learn from the expensive and potentially environmentally damaging lessons experienced at the Freeway Landfill and the Freeway

Dump and not allow future corrective action to be impeded by placing additional waste over the unlined portions of the BSL.

Bloomington again requests that the Final SEIS recommend mitigation measures as a condition of permitting that:

a. Require waste in the unlined portions of the landfill to be relocated to portions of the site that are sufficiently lined. The MPCA is proposing this approach at Freeway Landfill and Freeway Dump using public funds. In this case, the remediation should be done using private funds by attaching conditions to the permit for further expansion.
b. Require regular groundwater monitoring by the MPCA and, in the event of detection of any groundwater contamination, results in both remediation paid for by the landfill owner and the prohibition of further expansion.

3. **Surface Water Impacts**. The Final SEIS notes that, in a 500-year storm, the proposed expansion will increase the peak storm water runoff discharge rate from the site by 47% due to the increase in landfill slope proposed with the expansion. Climate change is resulting in more frequent large storm events. A significant increase in peak runoff rates will cause substantial negative impact to people and property downstream during these major rainfall events, which is the time at which faster runoff rates are most damaging.

   Within its comment letter on the Draft SEIS, Bloomington requested that the Final SEIS recommend mitigation during permitting to reduce the landfill slopes so that peak storm water runoff rates do not exceed current runoff rates. In addition to protecting people and property during a major rainfall event, the proposed mitigation would also have the added benefit of reducing the landfill height and corresponding visual impact.

   The MPCA responded that it does not intend to include this mitigation measure given that it was not included in the original SEIS scope. Substantial increases in peak runoff rates are an environmental concern identified by the SEIS. The purpose of a SEIS is to identify potential environmental concerns and to explore "methods by which adverse environmental impacts of an action could be mitigated" (MN Statutes 116D.04, Subd. 2a). It is entirely within the MPCA's power and responsibility to suggest mitigation for this identified concern within the SEIS. Bloomington again requests that the Final SEIS recommend mitigation during permitting to reduce the landfill slopes so that peak storm water runoff rates do not exceed current runoff rates.

4. **Lighting Impacts**. Thank you for adding attachments to the Final SEIS, as requested by Bloomington, that provide information on the type of lighting the Federal Aviation Administration (FAA) will require on top of the landfill. The fact that the proposed landfill is required by the FAA to have a red light on top to reduce the risks of airplane collisions illustrates the excessive height of proposed landfill.

5. **Visual Impacts.** Bloomington applauds the MPCA's addition of the following statement to the Final SEIS: "The visual impacts of the Project could be mitigated by…reducing the height of the proposed landfill expansion". Bloomington strongly requests that the MPCA employ that mitigation measure during the permitting stage and, if a permit is granted, limit the overall height of the landfill.

6. **Environmental Justice.** Thank you for adding an attachment to the Final SEIS, as requested by Bloomington, that provides additional information on environmental justice concerns related to the landfill. The Final SEIS states that the project is located within an area of concern for environmental justice. It is important to note that multiple nearby competing landfills are not located in areas of concern for environmental justice.

   Environmental justice impacts can be avoided by not permitting further expansion of BSL. Similarly, environmental justice impacts can be reduced by reducing the amount of waste entering BSL. Bloomington requests the Final SEIS include mitigation measures that address environmental justice concerns by either not permitting further expansion or limiting further expansion of BSL.

7. **Air Quality.** The Final SEIS estimates that, at buildout, the landfill will generate 5,863 standard cubic feet of landfill gases **every minute**. Of that volume, 75 percent is planned to be captured and 25 percent will escape into the atmosphere. Roughly half of the captured gases will be flared on site. As a direct result of the expansion, the Final SEIS reports that volatile organic compounds will increase by 10.2 tons/year and hazardous air pollutants will increase by 5.4 tons/year.

   Responding to Bloomington's comment on the Draft SEIS, the Final SEIS states that "the MPCA will continue to carefully consider BSL's potential air emissions and its potential impacts to residents during the air quality permitting process for the Project". Much of the gas created will be a result of the anaerobic degradation of organics. As a way to reduce gas creation, air pollutants and damaging greenhouse gases, Bloomington requests that organic material be removed from the waste stream onsite prior to the waste being landfilled. Bloomington also requests that the MPCA be particularly sensitive to the proximity of nearby residential uses in its review of associated air quality impacts and how to appropriately dispose of the captured gases during the coming BSL permit request.

8. **Aviation Impacts**. Landfills are notorious for attracting large birds. During a visit to the perimeter of the BSL, Bloomington City staff observed numerous eagles, gulls and other large birds. The birds attracted to landfills and corresponding concerns regarding mid-air collisions with birds are the primary reason the FAA has serious concerns about placing landfills near airports. The Burnsville Sanitary Landfill expansion is proposed near MSP International and Flying Cloud Airports and directly underneath a very frequently used flyway departing MSP, one of the nation's busiest airports. The increased height of the landfill and corresponding orographic lift will bring birds closer to aircraft and may present special concerns.

   Thank you for triggering an FAA aeronautical study of the expansion, as requested by Bloomington. Bloomington remains concerned about aviation impacts especially in light of Attachment G of the Final SEIS, a letter from the FAA to the City of Burnsville. In that letter, an FAA representative states: "*Based on our review and utilizing the criteria in AC's 150/5200-33B, the FAA is concerned with the initial proposed project given the location, and potential to create a wildlife hazard attractant near the Minneapolis-St. Paul International Airport (MSP).*" Bloomington requests that Final SEIS include

mitigation measures to reduce the attraction of birds to the landfill and that the MPCA require in the permitting stage that Waste Management follow those mitigation measures, if a permit is issued. Given that birds are attracted by organic materials, these measures should include the removal of organic material from the waste stream onsite prior to the waste being landfilled.

9. **Size Reductions**. The Final SEIS states: "*If a 75% recycling and preprocessing rate is achieved by year 2030, the size of the expansion could be reduced from 23.6 million cubic yards to 11.9 million cubic yards resulting in a reduction in height of the expansion to elevation 862 feet using the same expansion footprint*." It also states: "*Shredding of waste prior to disposal in the landfill could reduce the waste volume by up to 75% according to manufacturers of shredding equipment*". In its comments on the Draft SEIS, Bloomington requested that the Final SEIS recommend mitigation measures as a condition of permitting that require:

    a. a 75 percent recycling and preprocessing rate by the year 2030;
    b. removal of recyclables and organics and the shredding of remaining waste on-site prior to disposal; and
    c. a corresponding reduction in the volume of waste allowed under any permit.

    The MPCA responded that "volume reduction strategies will be discussed with the permittee during the permitting process, including shredding". Bloomington requests that the MPCA go beyond discussing volume reduction strategies with the applicant and formally requires such strategies as a permit condition.

10. **Public Input**. As the BSL expansion project transitions to the permitting stage, Bloomington requests that the MPCA perform robust outreach regarding the coming permit application and gather input from nearby residents, surrounding cities, and adjacent counties. Outreach and input that engages residents in their own community is particularly important given that the expansion is proposed in an area flagged by the state for environmental justice concerns.

Thank you in advance for considering Bloomington's comments. We will continue to work with the MPCA during the coming permitting phase. The environmental review process has brought new and troubling information to light that has heightened Bloomington's concerns regarding expansion of the BSL. Bloomington remains adamantly opposed to placing 21.9 million tons of additional waste in an environmentally sensitive, high profile location.

Sincerely,

Tim Busse
Mayor

copy via e-mail: Bloomington City Council Members
Bloomington Legislative Delegation
Debbie Goettel, Hennepin County Commissioner
Sarena Selbo, Manager, Minnesota Valley National Wildlife Refuge
Katrina Kessler, Commissioner, MPCA